

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE
MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION

UNITED STATES OF AMERICA)	
)	CRIMINAL ACTION NO.
v.)	2:18cr280-MHT
)	(WO)
JOHN COURTNEY WRIGHT, II)	

OPINION AND ORDER

This case is before the court on a motion to continue filed by defendant John Courtney Wright, II. For the reasons set forth below, the court finds that jury trial, now set for April 8, 2019, should be continued pursuant to 18 U.S.C. § 3161(h).

While the granting of a continuance is left to the sound discretion of the trial judge, see *United States v. Stitzer*, 785 F.2d 1506, 1516 (11th Cir. 1986), the court is limited by the requirements of the Speedy Trial Act, 18 U.S.C. § 3161. The Act provides in part:

"In any case in which a plea of not guilty is entered, the trial of a defendant charged in an information or indictment with the commission of an offense shall commence within seventy days from the filing date (and making public) of the information or

indictment, or from the date the defendant has appeared before a judicial officer of the court in which such charge is pending, whichever date last occurs."

§ 3161(c)(1). The Act excludes from the 70-day period any continuance based on "findings that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial." § 3161(h)(7)(A). In granting such a continuance, the court may consider, among other factors, whether the failure to grant the continuance "would be likely to ... result in a miscarriage of justice," § 3161(h)(7)(B)(i), or "would deny counsel for the defendant or the attorney for the Government the reasonable time necessary for effective preparation, taking into account the exercise of due diligence." § 3161(h)(7)(B)(iv).

The court concludes that, in this case, the ends of justice served by granting a continuance outweigh the interest of the public and Wright in a speedy trial. The magistrate judge held an evidentiary hearing on

Wright's motion to suppress, and on March 8, 2019, recommended that the motion be denied. Wright plans to file objections to the recommendation by the March 22 deadline. Motions in limine and voir dire are due the following business day, March 25. Because the imminent trial date leaves little time for the court to review the magistrate judge's recommendation and the objections, the court concludes that a continuance is warranted. Furthermore, the 70-day period under the Act excludes any period of delay "resulting from any pretrial motion." § 3161(h)(1)(D). Finally, the government does not oppose a continuance.

Accordingly, it is ORDERED as follows:

(1) The motion to continue (doc. no. 42), filed by defendant John Courtney Wright, II, is granted.

(2) The jury selection and trial for defendant Wright, now set for April 8, 2019, are reset for May 20, 2019, at 10:00 a.m., in Courtroom 2FMJ of the Frank

M. Johnson Jr. United States Courthouse Complex, One
Church Street, Montgomery, Alabama.

DONE, this the 20th day of March, 2019.

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE